

**NYS Contract Reporter Announcement**  
**NYSDOT Website Announcement**  
**NYSDOT State Safety Oversight Program for Rail Transit Agencies**  
**Contract #C038057**

The New York State Department of Transportation (NYSDOT) anticipates the release of a Request for Proposals (RFP) seeking the services of a consultant(s) to provide administrative services, technical assistance, and oversight activities for the State Safety Oversight (SSO) program. This program shall be in accordance with regulations issued by the Federal Transit Administration (FTA) in 49 CFR Part 674 and issued under Section 5329 of the Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) and all new requirements established under the 2021 Infrastructure and Jobs Act.

The selected Consultant shall provide assistance and subject matter expertise to the New York State PTSB State Safety Oversight Program. The Consultant shall have thorough knowledge of 49 CFR Part 672, 673, and 674. In addition to Federal regulations, the Consultant shall have a thorough understanding of New York State regulations pertaining to passenger rail in particular NYCRR 17 §990. The Consultant shall provide assistance and ensure the availability of subject matter experts in the disciplines required by the nature of the RTA projects in order to provide oversight to ensure the safety certification process is being followed. The Consultant shall provide expertise to meet the requirements of the Infrastructure Investment Jobs Act. This includes the special directive once it has been developed and defined by the FTA.

Responsive and responsible consultants interested in receiving notification of the RFP release should submit a brief, one-page Letter of Interest (LOI) to [Shalina.Mallory@dot.ny.gov](mailto:Shalina.Mallory@dot.ny.gov). The LOI should include, at a minimum: the firm name, address, contact person name, email address, phone number. An email announcing the release of the RFP will be sent to all parties submitting an LOI. When ready, the RFP will be posted to the NYSDOT website and will contain all the information necessary for firms to submit a complete proposal. It is anticipated that the RFP will be released on April 11, 2022. If the release of the RFP is delayed for any reason, the due date for proposals will be extended appropriately.

The base term of this contract is three (3) years. The contract may be extended for two (2) additional one-year periods.

The proposal due date of May 23, 2022, is subject to change.

For a full description of the project requirements, please visit the NYSDOT website at: <https://www.dot.ny.gov/business> and click on “Consultant Service Opportunities” then click on the date associated with C038057 (available after release of the RFP).

Under the requirements of NYS Finance Law, all communication regarding advertised projects are to be channeled through the NYSDOT Office of Contract Management Designated Contact Person. Until a contract is approved by the NYS Office of the State Comptroller, contact with any other NYSDOT employee concerning this project should not be made unless otherwise directed by the NYSDOT Office of Contract Management. Communications made contrary to this policy and deemed an attempt to influence the outcome, may result in disqualification.

### **Procurement Lobbying Law Compliance**

**Required Forms:** The Consultant shall sign and submit the following forms with their proposal:

1. **“Offeror’s Affirmation of Understanding of and Agreement pursuant to State Finance Law §139-j(3) and §139-j(6)(b)”** available at [https://www.dot.ny.gov/main/business-center/consultants/consultants-repository/offers\\_affirmation\\_and\\_agreement\\_form.pdf](https://www.dot.ny.gov/main/business-center/consultants/consultants-repository/offers_affirmation_and_agreement_form.pdf)
2. **“Offeror Disclosure of Prior Non-Responsibility Determinations”** available at [https://www.dot.ny.gov/main/business-center/consultants/consultants-repository/offer\\_disclos\\_prior\\_non.pdf](https://www.dot.ny.gov/main/business-center/consultants/consultants-repository/offer_disclos_prior_non.pdf)

### **NYSDOT Guidelines and Procedures**

Under the requirements of NYS Finance Law, all communications regarding advertised projects are to be channeled through the NYSDOT Office of Contract Management Designated Contact(s). Until a designation is made, communication with any other NYSDOT employee concerning this project that it is determined to be an attempt to influence the procurement may result in disqualification.

Refer to “NYSDOT Procurement Lobbying Law Guidelines and Procedures” available at [https://www.dot.ny.gov/main/business-center/consultants/consultants-repository/pll\\_gandp\\_v1.pdf](https://www.dot.ny.gov/main/business-center/consultants/consultants-repository/pll_gandp_v1.pdf)

### **Contacts Prior to Designation:**

Any communication involving an attempt to influence the procurement are only permitted with the following Designated Contact Persons:

1. Office of Contract Management
  - a. Contract Management Specialist
  - b. Contract Management Specialist’s Supervisor
  - c. Contract Management Assistant Director’s
  - d. Contract Management Director
2. Office of Diversity and Inclusion

These are some communications that are exempt from this restriction:

1. Participation in a pre-proposal webinar/conference
2. Submittal of written questions when responses will be provided to all offerors

### 3. Protests, complaints of improper conduct of misrepresentation

If any other NYSDOT employee is contacted and they believe a reasonable person would infer that the communication was intended to influence the procurement, the contact must be reported by the NYSDOT employee. If NYSDOT determines an impermissible contact was made that offeror cannot be awarded the contract. A second violation would lead to a four-year bar on the award of public contracts to the offeror.

### **Contacts After Designation**

NYSDOT identifies its primary designation contacts for contract finalization:

1. Office of Contract Management:
  - a. Contract Management Specialist
  - b. Contract Management Specialist's Supervisor
  - c. Contract Management Assistant Director
  - d. Contract Management Director
2. Office of Diversity and Inclusion
3. Program Area
  - a. Program Area Project Manager
  - b. Program Area Project Manager's Supervisor

The law does not limit who may be contacted during the contract finalization process. However, if any NYSDOT employee is contacted and they believe a reasonable person would infer that the communication was intended to influence the procurement, the contact must be reported by the NYSDOT employee.

### **Information Required from Offerors that contact NYSDOT staff, prior to contract approval by Office of the State Comptroller**

The individuals contacting NYSDOT should refer and shall be prepared to provide the following information, either by email or fax as directed by NYSDOT. Person's name, firm person works for, address of employer, telephone number, email address, occupation, firm they are representing, and whether owner, employee, retained by or designated by the firm to appear before or contact NYSDOT.

### **Applicability to an executed contract**

Restrictions similar to those described above apply to approval or denial of an assignment, amendment (other than amendments that are authorized and payable under the terms of the procurement contract as if it was finally awarded or approved by Office of the State Comptroller, as applicable), renewal or extension of a procurement contract, or any other material change in the procurement contract resulting in a financial benefit to the offeror. The Department may identify other contact persons for each of these processes.

**Rules and Regulations and More Information on this Law, please visit:**

<https://www3.ogs.state.ny.us/legal/lobbyinglawfaq/default.asp> (Advisory Council FAQs)

<http://www.nyintegrity.org>

<http://www.nyintegrity.org/law/lob/guidelines.html> (New York State Lobbying Act)

<http://www.ogs.state.ny.us/aboutOgs/regulations/defaultAdvisoryCouncil.html>

**Or contact the NYSDOT Designated Contact:**

Shalina L. Mallory

NYSDOT Office of Contract Management

50 Wolf Rd, 6<sup>th</sup> Floor

Albany, NY 12232

Email: [Shalina.Mallory@dot.ny.gov](mailto:Shalina.Mallory@dot.ny.gov)

Phone: (518) 457-9101